

NHDES Wetlands Program Rulemaking & Process Improvement Effort
2014 Spring Listening Session – Concord
April 9, 2014

Comments from Participants

- As applicant, would be willing to pay more \$ for a faster review of an application, but would be concerned about the fairness of such a system (i.e., a special process for the rich)
- Be clear about how you will address (or not address) complaints of violations that are (or appear to be) retaliatory
- Clarify frequency that seasonal dock notification needs to be updated
- Clarify how towns and municipal conservation commissions should address notifications: what is their role? what can a town do or not do with respect to a project covered by a notification? (especially forestry notices). Towns should be able to make sure that nothing really bad is happening at the project site. There is not much information in a notification for local folks to go on.
- Conservation Commission authority is not always clear to members: application review/comment, site visits, enforcement, etc
- Conservation commission members sometimes miss the opportunity to comment within the 14 day time limit to 'intervene" - can process be adjusted to ensure CC has opportunity to comment when relevant?
- Consider including the UNH stream crossing BMP manual into rules
- Consider incorporating a requirement for a certified erosion control specialist to be used for design/construction oversight on a project
- Consider privatizing certain reviews & approvals: need good certification of licensed professionals; need good oversight (e.g., random site inspections); and good enforcement of licensed professionals who are not meeting the requirements
- Current process & coordination with other agencies (e.g., F&G, DRED-NHB, Conservation Commissions) seems convoluted and confusing and seems to be source of delay.

- Evaluate the effect of "grandfathering" past projects - such as previously approved subdivisions - that would have a significant negative affect on environment (e.g., build-out of many small lots on Pillsbury Lake would degrade water quality)
- Good idea to have a general wetlands protection BMP manual
- Helpful to get direct, and detailed, answers - but concerned that interpretations might be too rigid (e.g., response "by a checklist" versus for the specific situation)
- It is helpful for towns to have a direct contact for specific issues
- More emphasis on avoidance and minimization before mitigation
- More training is needed for conservation commission members on how to evaluate a wetlands permit application project and for compliance oversight
- Municipalities should have a stronger role to enforce statutes and rules: look at MA town authority; need financial support; could be good because locals "know what is going on"
- Need better outreach and education on technical specifications & overall guide to rules (particularly for local officials)
- Need to have more inspectors out in the field - a prompt response is needed to reported violations
- Older "man-made" ponds should be evaluated for function as part of an ecological system before "maintained;" these older ponds should be treated differently than newer, man-made ponds and treatment structures
- Permit-by-notification option is good for expediting work for low-risk projects